



**ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 649**

April 20, 2010 – Offered by Representatives Hraychuck, Shilling, Smith, Dexter and Danou.

\*\*\* AUTHORS SUBJECT TO CHANGE \*\*\*

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 39, line 13: delete the material beginning with that line and ending  
3 with page 40, line 19, and substitute:

4 “**SECTION 62m.** 196.025 (1) (b) 1. of the statutes is amended to read:

5 196.025 **(1)** (b) 1. In a proceeding in which an ~~investor-owned~~ electric public  
6 utility is a party, the commission shall not order or otherwise impose energy  
7 conservation or efficiency requirements on the ~~investor-owned~~ electric public utility  
8 if the commission has fulfilled all of its duties under s. 196.374 and the  
9 ~~investor-owned~~ electric public utility has satisfied the requirements of s. 196.374 for  
10 the year prior to commencement of the proceeding, as specified in s. 196.374 (8) (d).

11 **SECTION 64m.** 196.025 (1) (b) 2. of the statutes is amended to read:

1           196.025 (1) (b) 2. In a proceeding in which a wholesale supplier that has  
2           accepted an assignment from a municipal utility or retail electric cooperative under  
3           s. 196.374 (7) (bg) is a party, the commission shall not order or otherwise impose  
4           energy conservation or efficiency requirements on the wholesale supplier or any  
5           municipal utility or retail electric cooperative that made the assignment if the  
6           commission has fulfilled all of its duties under s. 196.374 and the wholesale  
7           supplier's members are in the aggregate substantially in compliance with s. 196.374  
8           (7) the wholesale supplier or all municipal utilities or retail electric cooperatives from  
9           which the wholesale supplier has accepted assignment have satisfied the  
10          requirements of s. 196.374 for the year prior to commencement of the proceeding, as  
11          specified in s. 196.374 (8) (d).".

12           **2.** Page 42, line 20: delete lines 20 to 25 and substitute:

13           "196.374 (1) (b) "Commitment to community program" means an energy  
14           efficiency or load management program by or on behalf for regulated fuel usage in  
15           the service territory of a municipal utility or retail electric cooperative, a load  
16           management program by or on behalf of a municipal utility or retail electric  
17           cooperative, or a renewable resource program involving customer applications of  
18           renewable resources that take place at the premises of the customers or members of  
19           a municipal utility or retail electric cooperative."

20           **3.** Page 53, line 8: after "*goals*" insert "*; statewide programs*".

21           **4.** Page 53, line 11: delete the material beginning with ", and a goal" and  
22           ending with "cooperative," on line 13.

23           **5.** Page 53, line 19: delete lines 19 to 22.

24           **6.** Page 54, line 5: delete lines 5 to 17.

1           **7.** Page 55, line 14: delete lines 14 to 20 and substitute:

2           “2. ‘Municipal utilities and retail electric cooperatives.’ Except as provided in  
3 sub. (7) (bg), every 4 years, each municipal utility and retail electric cooperative shall  
4 establish a goal for the reduction in demand for and use of each regulated fuel that  
5 can be achieved under a commitment to community program and establish funding  
6 requirements for the commitment to community program. The commitment to  
7 community program shall be designed to achieve all cost-effective energy efficiency  
8 and load management program savings. The minimum funding requirement that  
9 a municipal utility or retail electric cooperative may establish for a year under this  
10 subdivision shall correspond to a monthly fee imposed on each customer or member  
11 that collects an annual average of \$8 per meter. Each municipal utility and retail  
12 electric cooperative shall file with the commission a report describing the goal and  
13 funding requirements established under this subdivision.”.

14           **8.** Page 65, line 13: delete “proceeding under sub. (3) (bc)” and substitute  
15 “filing of a report under sub. (3) (br) 2.”.

16           **9.** Page 65, line 14: after “amount” insert “of funding”.

17           **10.** Page 66, line 16: delete “determined for” and substitute “determined by”.

18           **11.** Page 66, line 16: delete “(bn)” and substitute “(br) 2.”.

19           **12.** Page 66, line 17: delete “1. f.”.

20           **13.** Page 66, line 24: delete lines 24 and 25 and substitute:

21           “3. Prepare and provide reports under sub. (3) (br) 2. and statements under par.  
22 (dm) on behalf of the municipal utility or retail electric cooperative.”.

1           **14.** Page 68, line 15: delete “effectiveness” and substitute “effectiveness  
2 performance”.

3           **15.** Page 68, line 17: after “fuels” insert “and achieving load management  
4 program savings”.

5           **16.** Page 68, line 19: delete lines 19 to 21 and substitute:  
6           “196.374 (7) (e) 1. e. The amount of reduction in the demand for and use of each  
7 target fuel and the load management program savings that have resulted in the year  
8 under the programs.”.

9           **17.** Page 68, line 24: delete the material beginning with that line and ending  
10 with page 69, line 5, and substitute:

11           “196.374 (8) (d) Exceptions. An energy utility that ~~spends~~ pays to a statewide  
12 programs contractor the full amount required under sub. (3) (b) 2. ~~(bw)~~ 3. or 3g. in  
13 any year is considered to have satisfied its requirements under this section for that  
14 year. A municipal utility or retail electric cooperative that spends the full amount  
15 required under sub. (7) (am) in any year is considered to have satisfied its  
16 requirements under this section for that year.”.

17           **18.** Page 69, line 8: after “(bc)” insert “and the filing of each report under sub.  
18 (3) (br) 2.”.

19           **19.** Page 69, line 9: delete “fuel that is” and substitute “fuel and the load  
20 management program savings that are”.

21           **20.** Page 69, line 13: delete “or f. or 2. c.” and substitute “or 2. c. or (br) 2.”.

22           **21.** Page 71, line 6: delete lines 6 to 9.

23           **22.** Page 71, line 21: after that line insert:

“1m. An order directing a statewide programs contractor or person to consult with the commission regarding ways to modify the program to ensure the program will achieve the goal.”.

**23.** Page 72, line 3: after that line insert:

**“c. Any other remedy specified by the commission.”.**

**24.** Page 72, line 4: delete lines 4 and 5 and substitute:

“3. For a goal under a utility-administered or large energy customer program:

a. An order modifying or terminating the program.

**b. Any other remedy specified by the commission.”.**

**25.** Page 72, line 6: delete lines 6 to 15.

**(END)**